

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

DAVID E. TUNDEL

Plaintiff

v.

MERCK & CO. INC.

Defendant

Case No.: 07 CV 6396

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF KINGS ss:

I, LOAI F. SARSOOR, being duly sworn deposes and says deponent is not a party to this action, I am a United States Citizen and, I am over the age of eighteen years and reside in the state of NEW YORK. That on AUGUST 09, 2007 at 1:08 PM at 111 EIGHTH AVENUE, 13TH FLOOR, NEW YORK, NY 10011, recipients BUSINESS OFFICE deponent served the within SUMMONS IN A CIVIL CASE AND COMPLAINT AND DEMAND FOR JURY TRIAL on MERCK & CO. INC. C/O CT CORPORATION SYSTEM therein named.

CORPORATION: a corporation by delivering thereat a true copy of each to PAULA KASH personally, deponent knew said corporation so served to be the corporation described in legal papers and knew said individual to be the PROCESS CLERK authorized agent thereof.

DESCRIPTION: Deponent further states that the description of the person actually served is as follows:

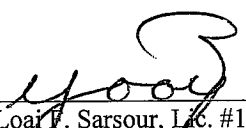
Gender: Female Race/Skin: White Hair: Brown Glasses: No Approx. Age: 50 Height: 5' Weight: 115

Description of Door:

Distinguishing Features:

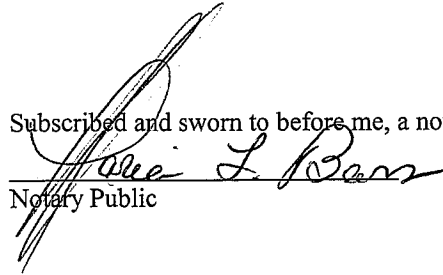
COMMENTS:

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.


Loai F. Sarsour, L.C. #1133309
THORNTON PROCESS SERVICE
3214 Samantha Drive
Cantonment, FL 32533
(850) 478-3333

8-10-07
Executed on:

Subscribed and sworn to before me, a notary public, on this 10th day of August, 2007.


Notary Public

My Commission Expires:

MARIA L. BASS
Notary Public: State of New York
No. 01BA6107290
Qualified in Kings County
Commission Expires March 22, 2008

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

DAVID E. TUNDEL

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

MERCK & CO., INC.

07 CV 6396

TO: (Name and address of defendant)

MERCK & CO., INC.
C/O C T CORPORATION SYSTEM
111 EIGHTH AVENUE
NEW YORK, NEW YORK, 10011

SERVED 8/9/07 @ 1:08 am/pm
Process Server Initials: EP I.D.# 1133307
Thomton Process Service
(650) 478-3333

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

MEGHAN M. TANS
TIMOTHY O'BRIEN
LEVIN, PAPANTONIO, THOMAS, MITCHELL, ECHSNER & PROCTOR, P.A.
316 S. BAYLEN STREET, SUITE 600
PENSACOLA, FL 32591

an answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(BY) DEPUTY CLERK

JUL 13 2007

DATE